

SUPERIOR COURT

SUMMONS

	Civil Action File Number
	KC-2017-0266
Plaintiff	Attorney for the Plaintiff or the Plaintiff
Michelle Beauregard	Sonja L. Deyoe
v.	Address of the Plaintiff's Attorney or the Plaintiff
Defendant	LAW OFFICES OF SONJA L DEYOE
Bkd New England, Llc D/b/a Brookdale Centre	395 SMITH STREET
Of New England	PROVIDENCE RI 02908
Noel Judicial Complex	Address of the Defendant
Kent County	c/o Foreign LLC
222 Quaker Lane	600 Centre of New England Blvd
Warwick RI 02886	Coventry RI 02816
(401) 822-6900	

TO THE DEFENDANT, BKD New England, LLC d/b/a Brookdale Centre of New England:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 3/13/2017.	/s/ Nancy Striuli
	Clerk

Witness the seal/watermark of the Superior Court

SC-CMS-1 (revised July 2014)

SUPERIOR COURT

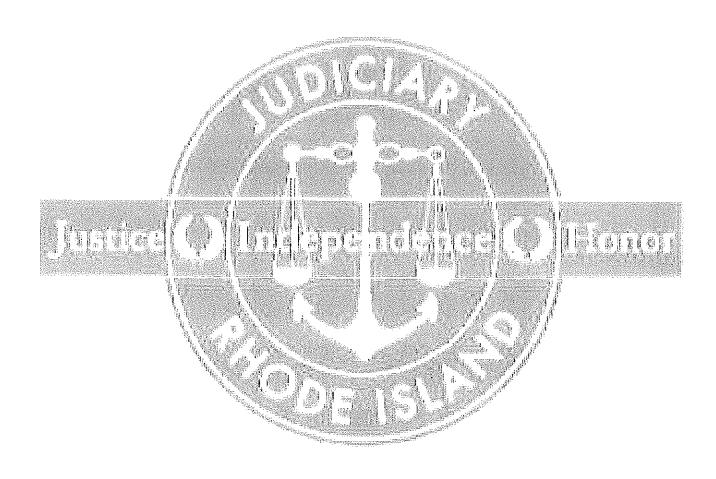
Plaintiff Michelle Beauregard	Civil Action File Number KC-2017-0266	
V.		
Defendant		
Bkd New England, Llc D/b/a Brookdale Centre Of New England		
PROOF OF SERVICE		
I hereby certify that on the date below I served a copy of this Si	immons, complaint, Language Assistance	
Notice, and all other required documents received herewith upon the Defendant, BKD New England, LLC d/b/a Brookdale Centre of New England, by delivering or leaving said papers in the following manner:		
☐ With the Defendant personally.		
☐ At the Defendant's dwelling house or usual place of abode wi	th a person of suitable age and discretion	
then residing therein.		
Name of person of suitable age and discretion		
Address of dwelling house or usual place of abode		
Age		
Relationship to the Defendant		
☐ With an agent authorized by appointment or by law to receive so	rvice of process.	
Name of authorized agent If the agent is one designated by statute to receive service, furth		
as noted below.	er notice as required by statute was given	
☐ With a guardian or conservator of the Defendant,		
Name of person and designation		
☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.		
Tillian a multig comparation hadre on authority by delignating and account and office districts.		
Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.		
Name of person and designation		

Page 1 of 2



SUPERIOR COURT

Upon a private corporation, domestic or foreign:			
☐ By delivering said papers to an officer or a managing or general agent.			
Name of person and designation			
☐ By leaving said papers at the office of the corporation with a person employed therein.			
Name of person and designation			
37 0 4 1 1 1	y appointment or by law to receive service of process.		
Name of authorized agent			
as noted below.			
☐ I was unable to make service after the following rea	isonable attempts:		
	Processing and the		
SERVICE DATE: ////////////////////////////////////	SERVICE FEE \$		
Month Day Year			
Signature of SHERIFF or DEPUTY SHERIFF or CONST	PABLE 101 'STATE OF THE STATE O		
SIGNATURE OF PERSON OTHER THAN A SHERIF NOTARIZED.	F OF DEPUTY SHERIFF OF CUINSTABLE MUST BE		
NUTARIZED.	Section 1 Commence of the Comm		
Signature			
100			
State of	All the second of the second o		
County of			
	sibefore me, the undersigned notary public, personally		
appeared	personally known to the notary		
<u></u> ,	ectory evidence of identification, which was to be the person who signed above in my presence,		
and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.			
Nota	ry Public:		
My commission expires:			
Notary identification number:			
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Case Number: RC 2017-0266 cv-00137-JJM-PAS Document 1-1 Filed 04/06/17 Page 5 of 12 PageID #: 10

Filed in Kent County Superior Court Submitted: 3/13/2017 9:52:33 AM

Envelope: 963861 Reviewer: Lindsay Z.

> STATE OF RHODE ISLAND KENT, S.C.

SUPERIOR COURT

MICHELLE BEAUREGARD

VS.

KC17-

BKD NEW ENGLAND BAY, LLC d/b/a BROOKDALE CENTRE OF NEW ENGLAND

COMPLAINT

Plaintiff brings this claim against BKD New England Bay, LLC, d/b/a Brookdale Centre of New England, alleging that it has violated the American's with Disabilities Act and similar state laws by terminating her from her employment on October 15, 2015.

- 1. The Plaintiff, Michelle Beauregard, is a resident of the Town of West Warwick, County of Kent, State of Rhode Island at all times relevant hereto.
- 2. The Defendant, BKD New England Bay LLC d/b/a Brookdale Centre of New England, with its primary place of business located in Brentwood, TN which employed the Plaintiff at a location in Coventry, Rhode Island at all times relevant hereto.
- 3. The Plaintiff was hired by the Defendant on or around November 14, 2013 as a Housekeeper, and worked in that capacity until she was discharged on October 15, 2015.
- 4. Plaintiff suffers from a severe visual impairment, which affects her depth perception. She struggles to read and/or write without significant magnification and has difficulty seeing in low light settings. Due to her visual impairment, the Plaintiff uses a cane to walk in most instances and is disabled with in the definitions of the ADA.
- 5. Due to the Plaintiff's visual impairment, sudden changes in location and/or being placed in unfamiliar settings without notice makes it difficult to perform job duties.
- 6. The Plaintiff notified the Defendant of her disability upon hire, prior to beginning employment and said disability is plainly obvious when dealing with the Plaintiff who, as aforementioned at times uses a visually impaired cane and obviously has issues with new areas.
- 7. On September 9, 2015, Plaintiff was assaulted by a resident, while working for the Defendant.
- 8. On September 13, 2015, Plaintiff was assaulted a second time by the same resident.
- 9. Plaintiff reported both incidents to her immediate supervisors.
- 10. Plaintiff made several requests for a meeting with superiors to discuss safety concerns and the alleged incidents.

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- 11. In response to Plaintiff's request for a meeting, on or around September 15, 2015, Plaintiff's supervisor Robert Horton called her in to inform the Plaintiff that she had verbally assaulted the resident. Plaintiff was advised to continue her shift, staying away from said resident.
- 12. Plaintiff was contacted by the Defendant's Human Resources Department on September 15, 2015 and told that she would be removed from the schedule until an internal investigation was completed regarding the assaults.
- 13. On or around September 25, 2015 Plaintiff was notified of Defendant's decision to remove Plaintiff, a person with a severe visual impairment from the first floor, where she had been working for the past two years, and relocate her to the second floor despite the fact she would still have to got to the first floor to get supplies, when the resident had just moved into the facility, immediately upon her return to work.
- 14. Plaintiff expressed safety concerns both of physical harm and due to her disability and notified Defendant that she would need to see her doctor prior to returning to work. She attended a medical appointment on September 28, 2015 and again notified Defendant that she would be taking a medical leave.
- 15. On October 15, 2015, the Plaintiff was terminated by the Defendant with the purported cause that she violating its absence policy on a date Defendant knew Plaintiff was going to her physician for further medical orders.
- 16. Plaintiff would have continued to perform all duties of her position if she had been reasonably accommodated by the Defendant.
- 17. The Plaintiff has received a right to sue letter from the EEOC and the RI Commission for Human Rights within ninety days of the filing of this complaint.
- 18. More than \$5,000.00 is as stake making jurisdiction proper before this Honorable Superior Court.

COUNT I-IV.

Violation of The American's With Disabilities Act Rhode Island Person's with Disabilities Act R.I.G.L. § 28-5-1 et seq., and R.I.G.L. 42-112-1 et seq., (Discharge from position and denial of reasonable accommodations).

- 19. The Plaintiff realleges the allegations in paragraphs one through eighteen of the complaint as set forth in full herein.
- 20. Defendant denied the Plaintiff reasonable accommodation and failed to engage in an interactive process with her to determine what accommodations she needed to perform the duties of her position, which would have allowed her to keep working.
- 21. Defendant wrongfully terminated Plaintiff, and engaged in wrongful and intentional discrimination against Plaintiff on the basis of her disability by denying her a reasonable

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accommodation, namely accommodating Plaintiff's visual impairment by allowing her to continue working on the floor she had previously been working or removing said violent resident from the facility which posed a severe risk to Plaintiff due to her visual impairment.

22. As a direct and proximate result of the Defendant's discriminatory actions, the Plaintiff has suffered financial harm, emotional distress, and loss of her position.

WHEREFORE, Plaintiff respectfully demands judgment against the Defendant in an amount to be determined by this litigation, together with interest, attorney's fees, cost, punitive damages, and other relief this court deems just and fit.

Plaintiff, By her attorney,

/s/ Sonja L. Deyoe Sonja L. Deyoe, Esq. 6301 Law offices of Sonja L. Deyoe 395 Smith Street Providence, RI 02908 (401) 864-5877 (401) 354-7464 (fax) Case 1:17-cv-00137-JJM-PAS Document 1-1 Filed 04/06/17 Page 8 of 12 PageID #: 13 Filed in Kent County Superior Court Submitted: 3/13/2017 9:52:33 AM Envelope: 963861 Reviewer: Lindsay Z.

STATE OF RHODE ISLAND KENT, S.C.

SUPERIOR COURT

MICHELLE BEAUREGARD

VS.

KC17-

BKD NEW ENGLAND BAY, LLC d/b/a BROOKDALE CENTRE OF NEW ENGLAND

JURY DEMAND

Plaintiff hereby demands a jury trial on all counts so triable.

Plaintiff, By her attorney,

/s/ Sonja L. Deyoe Sonja L. Deyoe, Esq. 6301 Law offices of Sonja L. Deyoe 395 Smith Street Providence, RI 02908 (401) 864-5877 (401) 354-7464 (fax)

See this notice in Cambodian, Spanish, and Portuguese on the attached pages. Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas. Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.

NOTICE

You have a case in the Rhode Island state court system.

You have the right to an interpreter at no cost to you.

Rhode Island Supreme Court Executive Order 2012-05 states that when a Limited-English Proficient (LEP) person appears in court, the Rhode Island Judiciary will provide a free authorized interpreter for the defendant, plaintiff, witness, victim, parent of a juvenile, or someone with a significant interest in the court proceeding. This interpreting service is provided at no cost to the parties and in all types of cases, both civil and criminal. Court interpreters work in all the courthouses of the Rhode Island state court system.

To schedule an interpreter for your day in court, you have the following options:

- 1. Call the Office of Court Interpreters at (401) 222-8710, or
- 2. Send an email message to interpreterfeedback@courts.ri.gov, or
- 3. Visit the interpreters' office to schedule an interpreter:

The Office of Court Interpreters
Licht Judicial Complex
Fourth Floor, Room 401
250 Benefit Street
Providence, RI 02903

When requesting an interpreter, please provide the following information:

- The name and number of your case
- The language you are requesting
- The date and time of your hearing
- The location of your hearing
- Your name and a telephone number where we can reach you or your lawyer

For more information in Portuguese, Russian, and Spanish, including a listing of court forms that are available in Spanish, please visit our website on the internet:

http://www.courts.ri.gov/Interpreters/englishversion/default.aspx.

To request a translation of this notice into any other language, please call the Office of Court Interpreters at (401) 222-8710. It would be helpful to have an English speaker with you when you call.

The Rhode Island Judiciary is committed to making the courts accessible to all.

The Office of Court Interpreters
Licht Judicial Complex
Fourth Floor Room 401
250 Benefit Street
Providence, RI 02903

See this notice in Cambodian, Spanish, and Portuguese on the attached pages.

Camboyano: SAMPLE: [Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.] Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.

Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.



NOTIFICAÇÃO

V. Ex.^a tem um processo em curso no sistema judiciário do Estado de Rhode Island,

V. Ex.^a tem direito aos serviços gratuitos de um intérprete.

A Ordem Executiva 2012-05 do Supremo Tribunal de Rhode Island prevê que quando uma pessoa com conhecimentos limitados da língua inglesa (Limited-English Proficient) (LEP) comparece em tribunal, a Administração Judiciária de Rhode Island disponibiliza-lhe gratuitamente os serviços de um intérprete autorizado a um réu, autor, testemunha, vítima, pai ou mãe de um menor ou alguém com interesse significativo no processo judicial. O serviço de intérprete é prestado gratuitamente às partes e em todos os tipos de processos, sejam eles civis ou penais. Os intérpretes do tribunal trabalham em todos os tribunais do sistema judiciário do Estado de Rhode Island.

Para agendar os serviços de um intérprete para o seu dia no tribunal, tem as seguintes opções:

- 1. Telefonar para o Gabinete de Intérpretes Judiciais através do n.º (401) 222-8710, ou
- 2. Enviar uma mensagem de correio eletrónico para interpreterfeedback@courts.ri.gov, ou
- 3. Deslocar-se ao gabinete de intérpretes para agendar os serviços de um intérprete:

Gabinete de Intérpretes Judiciais Complexo Judicial Licht Quarto Piso, Sala 401 250 Benefit Street Providence, RI 02903

Quando solicitar os serviços de um intérprete deve fornecer os seguintes dados:

- O nome e número do seu processo
- O idioma que solicita
- A data e hora da sua audiência
- O local da sua audiência
- O seu nome e um número de telefone para o podermos contactar a si ou ao seu advogado

Para obter mais informações em português, russo e espanhol, incluindo uma lista dos formulários judiciais disponíveis em espanhol, visite o nosso website na internet: http://www.courts.ri.gov/Interpreters/englishversion/default.aspxi.

Para solicitar uma tradução desta notificação para qualquer outro idioma, telefone para o Gabinete de Intérpretes Judiciais através do número (401) 222-8710. Recomenda-se que esteja acompanhado por alguém que fale inglês quando fizer a chamada.

A Administração Judiciária de Rhode Island está empenhada em tornar os tribunais acessíveis para todos.

Gabinete de Intérpretes Judiciais Complexo Judicial Licht Quarto Piso, Sala 401 250 Benefit Street Providence, RI 02903 See this notice in Cambodian, Spanish, and Portuguese on the attached pages. Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas. Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.

AVISO



Usted tiene un caso en el sistema judicial de Rhode Island.

Usted tiene el derecho a tener un intérprete sin costo para usted.

La Orden Ejecutiva 2012-05 del Tribunal Supremo de Rhode Island dicta que cuando una persona que tiene un dominio limitado del inglés (LEP) comparece ante la corte, el Sistema Judicial de Rhode Island le proveerá un intérprete autorizado gratis sea el

acusado/demandado, demandante, testigo, víctima, padre de un menor de edad alguien que tenga con un interés importante en el proceso de la corte. Este servicio de interpretación se le proveerá sin costo alguno a los participantes en toda clase de caso, sea civil o penal.

Los intérpretes judiciales trabajan en todos los tribunales del Sistema Judicial de Rhode Island.

Para solicitar un intérprete para su comparecencia en el tribunal, usted tiene las siguientes opciones:

- 1. Llamar a la Oficina de Intérpretes en el tribunal al 401-222-8710;
- 2. Mandar un correo electrónico a interpreterfeedback@courts.ri.gov; o
- 3. Presentarse a la Oficina de Intérpretes para solicitar un intérprete:

The Office of Court Interpreters Licht Judicial Complex Cuarto Piso, Officina 401 A-B 250 Benefit Street Providence, RI 02903

Al solicitar un intérprete, por favor provea la siguiente información:

- El nombre y el número de su caso
- El idioma que solicita
- La fecha y hora de su audiencia
- Donde ya a tomar lugar su audiencia
- Su nombre y número de teléfono por el cual nos podamos poner en contacto con usted o con su abogado.

Para obtener más información en portugués, ruso o español, incluyendo una lista de formularios de la corte que están disponibles en español, visite nuestra página de internet:

http://www.courts.ri.gov/Interpreters/englishversion/default.aspxi.

Para solicitar la traducción de este aviso en cualquier otro idioma, por favor llame a la oficina de intérpretes al (401) 222-8710. Ayudaría si usted puede estar en compañía de una persona que habla inglés cuando llame.

El sistema jurídico de Rhode Island se compromete a proporcionar a todas las personas mejor acceso a los tribunales.

The Office of Court Interpreters
Licht Judicial Complex
Fourth Floor Room 401
250 Benefit Street
Providence, RI 02903

មើលសេចក្តីជូនដំណឹងនេះជាកាសាខ្មែរ អេស្បាញ និងព័រទុយហ្គ័លនៅលើទំព័រដែលបានភ្ជាប់។

សេចក្តីជូនដំណឹង



លោកអ្នកមានបណ្ដឹងនៅក្នុងប្រព័ន្ធតុលាការនៃរដ្ឋ Rhode Island។ លោកអ្នកមានសិទ្ធិស្នើសុំអ្នកបកប្រែដោយឥតគិតថ្លៃសម្រាប់ខ្លួនឯង។

ដីកាប្រតិបត្តិបេស់ពុលាការកំពូលនៃ Rhode Island (Rhode Island Supreme Court Executive Order) លេខ 2012-05 បានចែងថានៅពេលបុគ្គលដែលមានចំណេះដឹងផ្នែកភាសាអង់គ្លេសមានកំណត់ (LEP) បង្ហាញខ្លួននៅក្នុងតុលាការ តុលាការនៃ Rhode Island នឹងផ្តល់អ្នកបកប្រែដែលបានអនុញ្ញាតដោយឥតគិតថ្លៃសម្រាប់ចុងបោទ ដើមរបាទ សាក្សី ជនរងគ្រោះ

មាតាបិតារបស់អនីតិជន ឬនរណាម្នាក់ដែលពាក់ព័ន្ធយ៉ាងសំខាន់នៅក្នុងដំណើរការតុលាការ។ សេវាកម្មបកប្រែនេះ ត្រូវបានផ្ដល់ផ្ងួនដោយឥតគិតថ្លៃសម្រាប់តូភាគី និង នៅគ្រប់ប្រភេទនៃបណ្ដឹង ទាំងរដ្ឋប្បវេណី និងព្រហ្មទណ្ឌ។ អ្នកបកប្រែក្នុងគុលាការធ្វើការនៅក្នុងគ្រប់គុលាការទាំងអស់របស់ប្រព័ន្ធគុលាការនៃរដ្ឋ Rhode Island។ ដើម្បីត្រោងពេលវេលាអ្នកបកប្រែសម្រាប់ថ្ងៃចូលសវនាការរបស់លោកអ្នក លោកអ្នកមានជម្រើសដូចខាងក្រោម ៖

- ខ្វសើព្ទមកកាន់ការិយាល័យអ្នកបកប្រែប្រចាំតុលាភាគោមរយៈលេខ (401) 222-8710 ឬ
- 2. ធ្វើអ៊ីម៉ែលទៅកាន់ interpreterfeedback@courts.ri.gov ប
- 3. ទៅកាន់ការិយាល័យអ្នកមកប្រែដើម្បីគ្រោងពេលវេលាអ្នកមកប្រែ ៖

The Office of Court Interpreters Licht Judicial Complex Fourth Floor, Room 401 250 Benefit Street Providence, RI 02903

នៅពេលស្នើសុំអ្នកបកប្រែ សូមផ្ដល់នូវព័ត៌មានដូចខាងក្រោម ៖

- ភាសាដែលលោកអ្នកស្នើសុំ
- ភាលបរិច្ឆេទ និងម៉េងសវនាការរបស់លោកអ្នក
- 👂 🏻 ទីតាំងនៃសវនាការរបស់លោកអ្នក
- ឈ្នោះ និងលេខទូរស័ព្ទលោកអ្នកដែលយើងខ្ញុំអាចទំនាក់ទំនងលោកអ្នក ឬមេជាវិលោកអ្នកបាន

សម្រាប់ព័ត៌មានបន្ថែមជាភាសាព័រុមឃហ្គ័ល រូស្ស៊ី និងអេស្បាញ រួមទាំងបញ្ជីទម្រង់បែបបទពុលាការដែលមានជាភាសាអេស្បាញនោះ សូមចូល ទៅកាន់គេហទំព័រយើងខ្ញុំនៅលើអ៊ិនធឺណិត ៖

http://www.courts.ri.gov/Interpreters/englishversion/default.aspxiv

ដើម្បីស្នើសុំការបកប្រែសេចក្តីជូននំណឹងនេះជាកាសាណាមួយផ្សេងទៀត សូមទូរស័ត្នមកករិយាល័យអ្នកបកប្រែប្រចាំកុលាការតាមរយៈលេខ (401) 222-8710។ វាជាការចាំបាច់ដែលត្រូវមានអ្នកនិយាយកាសាអង់រន្លសជាមួយលោកអ្នកនៅពេលដែលលោកអ្នកទូរស័ត្តចូល។

ពុលាការ Rhode Island ប្តេជ្ញាធ្វើឲ្យគុលាការអាចប្រើប្រាស់បានសម្រាប់មនុស្សត្រប់គ្នា។

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